## 1NC

### FW

**First, Colonialism has wreaked havoc on all manner of Indigenous struggles, but the path towards true self-determination starts with personal decolonization, not institutional change. The role of the judge is to endorse the debater who best decolonizes the debate space; local spaces are key.**

**Alfred and Corntassel,**

For Manuel and Posluns, the Fourth World is founded on active relationships with the spiritual and cultural heritage embedded in the words and patterns of thought and behaviour left to us by our ancestors. **The legacies of their struggles to be Indigenous form the imperatives of our contemporary struggles to regenerate** authentic **Indigenous existences.** A Fourth World theory asserting Indigenous laws on Indigenous lands highlights the sites of ongoing state–nation conflicts while reaffirming the spiritual and cultural nature of the struggle. **This is** not simply another taxonomy relating Indigenous realities in a theoretical way to the so-called First, Second and Third Worlds, but a recognition of a spiritual ‘struggle to enter the Fourth World’ and to decode state motivations as they invade under the ‘mantle of liberation and development’.37 The Canadian historian Anthony Hall describes this as **a battle against the ‘empire of possessive individualism’ and the ‘militarization of space’**: ‘the idea of the Fourth World provides a kind of broad ideological umbrella to cover the changing coalitions of pluralistic resistance aimed at preventing the monocultural transformation of the entire planet . . .’38 While the concepts of peoplehood and the Fourth World undoubtedly provide solid bases for thinking about strategies of resurgence, the question remains: how can these be put into practice? In *Real Indians: Identity and the Survival of Native America*, the **Cherokee sociologist Eva** Marie **Garroutte discusses the concept of ‘Radical Indigenism’ [is] as a process** of pursuing scholarship that is **grounded in Indigenous** community **goals** and which ‘follows the path laid down in the models of inquiry traditional to their tribal community’.39 **This intellectual strategy entails utilizing all of the talents of the people inside** and within **a community to begin a process of regeneration. The** larger **process** of regeneration, as with the outwardly focused process of decolonization, also **begins with the self. It is a self- conscious** kind of **traditionalism** that is the central process in the ‘reconstruction of traditional communities’ based on the original teachings and orienting values of Indigenous peoples.40 **Colonialism corrupted the relationship between original peoples and the Settlers**, and it eventually led to the corruption of Indigenous cultures and communities too. **But our discussion** thus far **has**, we hope, **illustrated** the fact **that decolonization and regeneration** are not at root collective and institutional processes. They **are shifts in thinking and action** that emanate from recommitments and reorientations **at the level of the self** that, over time and through proper organization, manifest as broad social and political movements to challenge state agendas and authorities. To a large extent, institutional approaches to making meaningful change in the lives of Indigenous people have not led to what we understand as decolonization and regeneration; rather they have further embedded Indigenous people in the colonial institutions they set out to challenge. This paradoxical outcome of struggle is because of the logical inconsistencies at the core of the institutional approaches. Current approaches to confronting the problem of contemporary colonialism ignore the wisdom of the teachings of our ancestors reflected in such concepts as Peoplehood and the Fourth World. They are, in a basic way, building not on a spiritual and cultural foundation provided to us as the heritage of our nations, but on the weakened and severely damaged cultural and spiritual and social results of colonialism. **Purported decolonization and watered-down cultural restoration processes that accept the** premises and **realities of our colonized existences as their starting point are** inherently flawed and **doomed to fail. They attempt to reconstitute strong nations on the foundations of** enervated, dispirited and **decultured people**. That is the honest and brutal reality; and that is the fundamental illogic of our contemporary struggle.

**Addressing indigenous concerns are a prerequisite to taking action**

**Churchill** explains**,**

I’ll debunk some of this nonsense in a moment, but first I want to take up the posture of self-proclaimed leftist radicals in the same connection. And I’ll do so on the basis of principle, because justice is supposed to matter more to progressives than to rightwing hacks. Let me say that the pervasive and near-total silence of the Left in this connection has been quite illuminating. **Non-Indian activists**, with only a handful of exceptions, **persistently plead that they can’t really take a coherent position on the matter of Indian** land **rights because “unfortunately,” they’re “not really conversant with the issues”** (as if these were tremendously complex). **Meanwhile, they do virtually nothing, generation after generation, to inform themselves on the topic of who actually owns the ground they’re standing on. The record can be played only so many times before it wears out and becomes** just **another variation of “hear no evil, see no evil.”** At this point, it doesn’t take Albert Einstein to figure out that the Left doesn’t know much about such things because it’s never wanted to know, or that this is so because it’s always had its own plans for utilizing land it has no more right to than does the status quo it claims to oppose. The usual technique for explaining this away has always been a sort of pro forma acknowledgement that Indian land rights are of course “really important stuff” (yawn), but that one” really doesn’t have a lot of time to get into it (I’ll buy your book, though, and keep it on my shelf, even if I never read it). Reason? **Well, one is just “overwhelmingly preoccupied” with working on “other** important **issues”** (meaning, what they consider to be more important issues). Typically enumerated are sexism, racism, homophobia, class inequities, militarism, the environment, or some combination of these. It’s a pretty good evasion, all in all. Certainly, there’s no denying any of these issues their due; they are all important, obviously so. But more important than the question of land rights? There are some serious problems of primacy and priority imbedded in the orthodox script. To frame things clearly in this regard, lets hypothesize for a moment that all of the various non-Indian movements concentrating on each of these issues were suddenly successful in accomplishing their objectives. Lets imagine that the United States as a whole were somehow transformed into an entity defined by the parity of its race, class, and gender relations, its embrace of unrestricted sexual preference, its rejection of militarism in all forms, and its abiding concern with environmental protection (I know, I know, this is a sheer impossibility, but that’s my point). When all is said and done, the **society** resulting from this scenario **is** still, **first and foremost, a colonialist society,** an imperialist society in the most fundamental sense possible with all that this implies. This is true **because** the scenario does nothing at all to address the fact that **whatever is happening happens on someone else’s land,** not only without their consent, but **through an adamant disregard for their rights to the land.**

### CP

#### CP Text: Consult and obtain consent from Indigenous nations before doing the aff on Turtle Island. To clarify, my CP is mutually exclusive – it does not prescribe that we do the aff – after consulting we may not need to.

Miller, [Miller, Robert J., Consultation or Consent: The United States Duty to Confer with American Indian Governments (August 20, 2015). North Dakota Law Review, Vol. 91, 2015, Forthcoming. Available at SSRN: <http://ssrn.com/abstract=2666687>. SK]

**The political existence of the American Indian nations and their government-to government relationship with the United States is [marked by] expressly recognized** in the U.S. Constitution.1 The long history of the interactions between these governments is marked by diplomatic efforts to resolve disputes and address common interests.2 **A** nearly constant **stream of formal and informal consultations** and diplomatic dealings **has marked this relationship**. **[which] Tribal governments and Indian peoples are very interested in seeing** this mutually respectful relationship **continue** **and even be enhanced and improved in the future**. In recent decades, the international community has demonstrated one way consultations between the federal government and tribal governments could be changed and perhaps improved. The international law regime is moving beyond mere consultations with Indigenous peoples to what is known as “free, prior and informed consent.” 3 On the surface, **requiring the United States to** obtain the informed consent of Indian nations and peoples, before undertaking actions that affect Indians, is far more complicated, and perhaps onerous, than just consulting with tribal governments and Indians. In lieu of those potential difficulties, **the United States to date has only seen fit to attempt to improve its consultation processes and has mostly ignored the emerging free, prior and informed consent paradigm**. This Article examines the history and modern-day processes for United States consultations with Indian nations and the emerging international law standard of free, prior and informed consent. This Article argues that **the United States** should **continue and even** enhance the consent requirement **that has been the goal of federal/tribal relations since the birth of the United States**. Thus, the U.S. should have little trouble absorbing and adapting to the new international consent legal movement. Mere consultation with American Indian nations, without obtaining consent, does not fulfill the United States legal duties to Indian nations nor does it honor the history of the U.S. diplomatic relationship with tribal governments or the emerging free, prior and informed consent standard. SK

#### Indigenous peoples have historically and in contemporary politics are always excluded – the 1AC policy and performance are reaffirmations of colonialism which only the CP can alleviate

Riley**,** [Riley, Angela R. "Indians and Guns." Geo. LJ 100 (2011): 1675. http://georgetownlawjournal.org/files/2012/06/Riley.pdf SK]

**The relationship of** **[Indigenous]** Indians **to guns in legal literature has largely gone untouched**.11 Though Second Amendment scholarship has turned, at various points, towards the question of which people could exercise the right to bear arms,12 **[Indigenous]** Indians **are regularly** left out **of this discussion**. **When they are included it is typically to recount the view**—as expressed in voluminous documentation produced contemporaneously with ratification of the Constitution as well as in more current settings, such as Justice Kennedy’s questioning during oral argu- ments on Heller—**that settlers’ fears of “hostile” Indians at least partially motivated the Framers’ commitment to a right to bear arms.**13 **The paucity of academic scrutiny** **as to the relationship between** Indians and guns—or, more accurately in some instances, between **Indian nations and guns**—**is** curious (if not **surprising**), **considering** the prominence given in legal scholarship to the Second Amendment and gun control as well as an **emergent literature** dealing with issues of criminal law enforcement in Indian country14 and the unique arrangement of quasi-constitutional protections applicable to Indian tribal gov- ernments. SK

#### Outweighs on specificity – this is not a general “you didn’t talk about x” argument but rather addresses it within the context of guns in the literature such as what the aff endorses.

#### Also, perms are nonsensical – if nothing else hold them to their silence – it’s active not passive and legitimates who or what has the authority to speak.

Foucault,

**Silence itself–the thing one declines to say**, or is forbidden to name, the discretion that is required between different speakers–**is less the absolute limit of discourse**, the other side from which it is separated by a strict boundary, **than an element that functions alongside the things said**, with them and in relation to them within over-all strategies. **There is** no binary division **to be made between what one says and what one does not say;** **we must try to determine the different ways of not saying such things, how those who can and those who cannot speak of them are distributed, which type of discourse** is authorized, or which form of discretion is required in either case. There is not one but many **silences**, and they **are an integral part of** the **strategies**. SK

#### Also linguistically competes – Turtle Island is the name of the US for Indigenous peoples – disad to the aff performance because you perpetuate assimilationist ideologies by accepting the settler name.

Newcomb ’11,

**It is typical to refer to our respective nations and peoples as being** "in" Canada or "in" the United States **and therefore as being deemed subject to the** jurisdictions **of [these]** those two **political constructs called "states" in international law.** **What we seldom express, however, is the more profound point that those two Western European political constructs are on and** in Turtle Island, **as North America is traditionally known to the Original Nations of Turtle Island.** **For far too long we have been** conditioned **to seemingly accept the idea that Indian nations are subject to the political and legal jurisdiction of the United States** and Canada. **We have** not spent much time **at all developing the viewpoint that originally free Indian nations are still rightfully free and that those two political constructs of European origin are in and on Turtle Island**. SK To even express such an idea seems mad because of the ingrained conditioning we have received from a very young age that we as Indigenous nations and peoples are unquestioningly subject to the dictates of dominating societies. In his amazing book Imperialism, Sovereignty, and the Making of International Law (2004), SK

#### This ev is so good – specifically relates to why saying things are “In the United States” is bad

#### Three impacts: A. discussing it in the context of “Turtle Island” is key B. undermines aff solvency C. rejection of the term “in the US” uniquely solves external colonial harms.

#### Language has no meaning independent of cultural context which indoctrinates the imperial subject under that mode of language – the way we use language matters in terms of colonization – you perpetuate colonialism which is an independent voter.

Fanon in ’52, [Fanon, Frantz. Black skin, white masks. Grove press, 1986, Remastered published in 2008. SK]

·**To speak means to be in a position to use a certain syntax**, to grasp the morphology of this or that language, **but it means above all to assume a culture, to support** 17 18 / Black Skin, White Mash the weight of **a civilization**. Since the situation is not one-way only, the statement of it should reflect the fact. Here the reader is asked to concede certain points that, however unaceptable they may seem in the beginning, will find the measure of their validity in the facts. The problem that we cqnfront in this chapter is this: The Negro of the Antilles will be proportionately w:hiter -that is, he will come closer to being a real human being -in direct ratio to his mastery of the French language. I am not unaware that this is one of man's attitudes face tO face with Being. -A man who has a language consequently possesses the world expressed and implied by that language. What we are getting at becomes plain: **Mastery of language affords remarkable power**. Paul Valery knew this, for he called language "the god gone astray in the Besh."1 In a work now in preparation I propose to investigate this phenomenon.2 For the moment I want to show why **the Negro** of the Antilles, whoever he is, **has always to face the problem of language**. Furthermore, I will broaden the field of this description and through the Negro of the Antilles include every colonized man. Every colonized people-in other words, **every people in whose soul an inferiority complex has been created by the death and burial of its local cultural** **originality finds itself face to face with the language of the civilizing nation;** that is, with the culture of the mother country. **The colonized is elevated above his jungle status in proportion to his adoption of the mother country's cultural standards.** **He [or she] becomes whiter as he [or she] renounces his [or her] blackness**, his **jungle**. In the French colonial army, and particularly in the Senegalese regiments, the black officers serve 1. Charmes (Paris, Gallimard, 1952). 2. Le langage et ragressioit~. Frantz Fanon I 19 first of all as interpreters. They are used to convey the master's orders to their fellows, and they too enjoy a certain position of honor. There is the city, there is the country. There is the capital, there is the province. Apparently the problem in the mother country is the same. Let us take a Lyonnais in Paris: He boasts of tlJe quiet of his city, the intoxicating beauty of the quays of the Uhonc, the splendor of the plane trees, and all those other things that fascinate people who have nothing to do. If you meet him again when he has returned from Paris, and especially if you do not know the capital, he will never run out of its praises: Paris-city-of-light, the Seine, the little garden restaurants, know Paris and die. . . . SK

Also takes out theory: **A**. There’s no way to know a “good” interpretation from one that is just a form of assimilation that makes me conform to some cultural standard **B.** You police the way I speak which is an independent reason to reject theory and your performance **C.** Permutes your theoretical argument because discussing what a “good” interpretation or a good form engagement is comes after the interrogation of colonialism.

#### Turns 1AC and undermines aff solvency — federal bans on handguns without addressing indigenous concerns are the same legal exclusion that is the colonization of Indigenous nations. And, the CP will always solve better than the 1AC—Indigenous governments in the squo will always craft gun policy that is tailored to the needs of their communities – means federal bans can be crafted this way too.

Riley**,** [Riley, Angela R. "Indians and Guns." Geo. LJ 100 (2011): 1675. http://georgetownlawjournal.org/files/2012/06/Riley.pdf SK]

**Tribal sovereignty and Indian otherness has,** perhaps unwittingly, **created a legal chasm within which tribes may engage in innovative governance to address reservation security**. Their **extraconstitutional status affords them the freedom to tailor** their **gun laws** **and engage community-based solutions** to reservation ills that have not been fully explored to date. **As sovereign nations unconstrained by** the federal Constitution and, concomitantly, **the Supreme Court’s interpretation of the Second Amendment**, **tribal governments can exercise local control over guns and devise systems and codes in line with their tribally distinct needs**. The freedom from restraint means **each tribe’s own culture, history, current legal status, and contemporary governance challenges will set the standard** for which courses of action to take to address governance issues. Ultimately, then, this Article is as much about tribal sovereignty as it is about gun policy.443 And **Indian nations’ sovereignty is expressed by each tribal nation individually**. Proposing one solution would not only be legally impossible but would also be unwise. Instead, I have demonstrated that the relationship between Indians and guns is one that has been undertheorized and understudied. **The convergence of the unique legal status of** Indians, **Indian nations, and guns with the availability of innovative governance** solutions in Indian country **allows tribes to address issues** of crime, violence, racial inequities, and social justice **in ways that would be impermissible if undertaken by federal or state governments.**444 **Suggesting one solution for all tribes**—**other than a uniquely shared freedom** to define their own path forward—**would** **undermine tribal sovereignty and** ultimately **derail the** purpose of the **project**—**to emphasize the sovereign nature of tribal governments and their** concomitant **freedom to devise gun policy that works for their own nation**.443. To be clear, I am not advocating for any particular outcome, protection, or laws in regards to guns, nor am I making any claim about the relationship between guns and safety. The empirical evidence regarding whether legal protection for gun rights contributes to or lessens the crime rate is politically charged, hotly contested, and ultimately inconclusive. 444. This is, of course, assuming that there is any connection between gun control and crime, which is an open question. 1744 [Vol. 100:1675 THE GEORGETOWN LAW JOURNAL sovereignty and ultimately derail the purpose of the project—to emphasize the sovereign nature of tribal governments and their concomitant freedom to devise gun policy that works for their own nation. SK

#### Also provides for the means for indigenous nations to ban handguns which is net beneficial. Also means that indigenous nations will probably choose to ban handguns which means that I capture all the aff benefits.

Riley**,** [Riley, Angela R. "Indians and Guns." Geo. LJ 100 (2011): 1675. http://georgetownlawjournal.org/files/2012/06/Riley.pdf SK]

**One way for [nations]** tribes **to deal with** the question of **gun regulation** in Indian country **is to enact universal disarmament and criminally ban all** **firearms and handguns** on the reservation entirely. This was essentially the tack taken by Washington D.C. and Chicago before the Supreme Court determined such bans were constitutionally impermissible. But **[nations]** tribes **could enact such bans without federal or state constitutional restraints**. Of course, those tribes whose own constitutions contain a right to bear arms would have to overcome their own legal barriers to such a law.397 But, absent that potential restriction, tribes have relative freedom to enact such laws. And c[C]omplete bans may, for some tribes, constitute a good cultural, governmental, and institutional fit. The benefits may be persuasive. Tribes would not have to strain their already limited resources to enact tailored gun laws, put permitting procedures in place, or discern between authorized and unauthorized uses of guns. **A complete ban would free the tribe from policing various forms of permissible and impermissible gun use.** If the tribe faces a large amount of gun crime committed by tribal members or even other Indians, a criminal prohibition on guns may result in reduced reservation gun crime. This is particularly so given that most murders in the United States are committed with guns, and at least triple that number of nonlethal injuries occur each year due to guns.398 **And, pursuant to inherent tribal sovereignty, the tribe may also criminally prosecute**—up to the limits proscribed by the Indian Civil Rights Act—all Indians who violate the ban. Thus, a tribe that either has few non-Indian residents or few non-Indian reservation visitors may find a criminal gun ban an appealing option. SK

#### Hold them to their discourse – severing from discourse is the worst thing because then you as the judge don’t know what to vote off of – when you vote for the aff you vote for the discourse they endorse.

Gehrke, [Gehrke, Pat J. "Critique Arguments as Policy Analysis." Contemporary Argumentation and Debate (1998): n. pag. Web.]

Thus, as policy analysts and policy makers, **debaters** and critics **must explore** methodologies that can account for **the communicative impact of policy discourse**. Initially we may find such an approach in an interpretive perspective on policy. **An interpretive approach to policy analysis focuses on the meanings of policies**, on the values, feelings, and/or beliefs that they express, **and on the processes by which those meanings are communicated** to **and interpreted** by various audiences (Yanow 8-9). From this view, **debaters may look to policy discourse as a rhetorical artifact subject to critical rhetorical analysis or similar analyses**. **We can not neatly separate policies from the language and advocacy that brings about their implementation**. **Policies communicate both through action and through the arguments which advocate action**. In light of the nationalist and racist rhetoric of extreme anti- immigration politicians, we should not be surprised to hear of border patrol officers abusing non-white people at the U. S. borders. SK

## Solvency

### S - Expand DEC ruling

This can be done by expanding the NY State DEC proposal on a national scale for Congress.

McAndrew ’08, [“State DEC drafts policy requiring agency to consult Native Americans on variety of issues” Print Email Mike McAndrew | mmcandrew@syracuse.com By Mike McAndrew | mmcandrew@syracuse.com Email the author | Follow on Twitter on December 12, 2008 at 11:22 PM, updated December 12, 2008 at 11:30 PM]

Read the proposed state Department of Environmental Conservation policy on consultations **with Native American nations** on the In Depth Blog. **The DEC** also **would be required to consult** with the nations on activity by third parties that require a DEC approval or permit and would have a foreseeable effect on Indian nation interests. Wednesday, the DEC published a notice about the policy on its Web site. It will accept public comment for 30 days from then, said Yancey Roy, a DEC spokesman. After that, the policy will become effective. "**We see it as very refreshing and a potentially healing start**," said Joseph Heath, an attorney for the Onondaga Nation. "It has been a very strained relationship." Mark Emery, a spokesman for the Oneida Indian Nation of New York, said **the Oneida are "encouraged" by the agency's recent efforts to work with Indian nations.** "The Oneida Nation continues to believe that we should be working together on issues affecting environmental and cultural resources and looks forward to working together with DEC on the proposed policy and issues effecting our community," Emery said. In addition to those two native nations, the policy also applies to the Mohawk, Cayuga, Seneca, Tonawanda Seneca, Tuscarora, Unkechaug and Shinnecock. Onondaga Nation Chief Irving Powless said he hopes the policy will enable the Onondaga Nation to exert greater influence on the cleanup of Onondaga Lake and its tributaries, which the DEC is overseeing. In 2004, DEC officials angered the Onondaga by presenting them with a lake cleanup plan just days before DEC made the plan public. The Onondaga -- whose pending land claim suit against the state asserts the Onondaga hold title to the lake -- were not afforded enough time to research and suggest alternatives, Heath said. The draft policy includes a statement Heath likes: "**Consultation means more than simply informing affected Indian Nations about what the Department is planning**." Powless said the new policy also may help New York and the native nations resolve disputes over Indian hunting and fishing rights. Treaties with the United States and New York guaranteed the six nations called the Haudenosaunee the right to hunt and fish, and the state's regulations cannot restrict those rights, Powless said. Roy said that DEC developed the policy in consultation with the Indian nations to foster better communications. "It will have a positive impact in a couple of respects. First, it sends a strong signal to the nations that we are going to work cooperatively with them, with the appropriate level of understanding and respect for their traditions and culture," Roy said. "Second, this marks the first time DEC will conduct training on this matter and staff will be encouraged to work with and talk with representatives of the nations." The proposed DEC policy also recommends that the agency commissioner and staff meet annually with representatives of nine native nations. Onondaga leaders have been meeting annually in Syracuse with regional representatives of the federal Environmental Protection Agency. The DEC did not send a representative to the talks until 2008. Last week, DEC Commissioner Pete Grannis unveiled the DEC draft policy at the annual meeting, which was held at a Carrier Circle hotel. Grannis -- whom Heath credited as being the driving force behind improving DEC's relations with native nations -- has visited the Onondaga Nation's longhouse twice during the past 1½ years, Heath said.

### S - Miller

In conclusion, the United States seems to have little reason to fear the Declaration and seems to have had little legitimate reason to vote no in 2007. In line with its official statement of support for the Declaration in 2010, its trust responsibility, and its efforts of the past few decades in regards tribal consultations, **the United States should improve its consultation processes with Indian nations by not undertaking actions** **that impact** the property, human rights, and sovereign powers of Indian nations and **Indian peoples without their consent.** **The federal process of working with Indian nations and peoples should not be a question of consultation or consent, but should be a relationship based on consultation and consent**.SK

Miller,

**The political existence of the American Indian nations and their government-to government relationship with the United States is [marked by] expressly recognized** in the U.S. Constitution.1 The long history of the interactions between these governments is marked by diplomatic efforts to resolve disputes and address common interests.2 **A** nearly constant **stream of formal and informal consultations** and diplomatic dealings **has marked this relationship**. **[which] Tribal governments and Indian peoples are very interested in seeing** this mutually respectful relationship **continue** **and even be enhanced and improved in the future**. In recent decades, the international community has demonstrated one way consultations between the federal government and tribal governments could be changed and perhaps improved. The international law regime is moving beyond mere consultations with Indigenous peoples to what is known as “free, prior and informed consent.” 3 On the surface, **requiring the United States to** obtain the informed consent of Indian nations and peoples, before undertaking actions that affect Indians, is far more complicated, and perhaps onerous, than just consulting with tribal governments and Indians. In lieu of those potential difficulties, **the United States to date has only seen fit to attempt to improve its consultation processes and has mostly ignored the emerging free, prior and informed consent paradigm**. This Article examines the history and modern-day processes for United States consultations with Indian nations and the emerging international law standard of free, prior and informed consent. This Article argues that **the United States** should **continue and even enhance the consent requirement that has been the goal of federal/tribal relations since the birth of the United States**. Thus, the U.S. should have little trouble absorbing and adapting to the new international consent legal movement. Mere consultation with American Indian nations, without obtaining consent, does not fulfill the United States legal duties to Indian nations nor does it honor the history of the U.S. diplomatic relationship with tribal governments or the emerging free, prior and informed consent standard. SK

## Frontlines

### AT: US Gun Laws Don’t affect Native Americans

#### False – Indigenous people are shot by US federal cops which is an issue of gun rights

Vincens ’15, [Native Americans Get Shot By Cops at an Astonishing Rate So why aren’t you hearing about it? —By AJ Vicens | Wed Jul. 15, 2015 6:57 PM EDT. SK]

Nearly 100 people demonstrated in downtown Denver earlier this week after police there shot and killed 35-year-old Paul Castaway on July 12. Police said the man was coming towards an officer with a knife, but his family and witnesses on the scene dispute those claims and say he was pointing the knife toward himself. The shooting comes a little more than a month after two Denver Police officers were cleared in the shooting death of Jessie Hernandez, a 17-year-old girl killed in January when the officers fired into a stolen car she was supposedly driving toward them in an alley. According to his mother, Castaway struggled with schizophrenia and alcoholism. Witnesses say he was holding a knife to his own throat and didn't threaten officers, according to the Denver Post. Castaway was shot four times and died later that night. Denver Police Department spokesman, Sonny Jackson, told the Post that the department is reviewing the incident, and that the officers involved will be named soon. Castaway was a Lakota Sioux. His death brings up a rarely-discussed aspect of the ongoing conversation around police brutality in the United States: **Native Americans are more likely than most other racial groups to be killed by police.** Indian Country Today noted that according to the Center on Juvenile and Criminal Justice, a nonprofit organization that studies incarceration and criminal justice issues, **police kill Native Americans at a higher rate than any other ethnic group.** The center's analysis relied on data from the Centers for Disease Control and Prevention and the National Center for Health Statistics. It found that Native Americans, making up just .8 percent of the population, are the victims in 1.9 percent of police killings. When the numbers are broken down further, they reveal that **Native Americans make up \*three of the top five top age-groups killed by law enforcement**: Center on Juvenile and Criminal Justice "This is a reflection of an endemic problem in the perception of non-white people when it comes to the administration of justice," Chase Iron Eyes, an attorney with the Lakota People's Law Project in South Dakota, told Mother Jones. The group put out a report called "Native Lives Matter" in February discussing various ways the justice system disproportionately impacts Native Americans. He said the US Department of Justice needs to address police violence against Native Americans and that Castaway's death is only the most recent example of the problem. "You can tell they're shooting out of fear," he said. "If it's not out of hate, for some reason they're pulling the trigger before determining what the situation actually is. Something does need to happen. Somebody does need to take a look and we need help."

#### Indigenous people are killed by Americans with guns – gun laws would affect them.

Kopel ‘14, [“Native Americans and Gun Violence”, Dave Kopel, 2014. SK]

A study by the Bureau of Justice Statistics of violent crimes from 1993 to 1998 revealed the following victimization patterns of American Indians and other races: **When an Indian was a victim of a violent crime, the perpetrator used a gun 9% of the time.** This compares to 8% for white victims, 18% for black victims, and 14% for Asian victims. (Callie Rennison, Bureau of Justice Stastistics, Violent Victimization and Race, 1993-98(U.S. Dept. of Justice: 2001)(NCJ 176354).) Based on data from 1976 to 1996, **28% of Indian murder victims were killed with a handgun**, compared to 50% of murder victims of other races. Seventeen percent of Indian murder victims were killed with a long gun, compared to 11% of other races. (Lawrence A. Greenfield & Steven K. Smith, Bureau of Justice Statistics, American Indians and Crime(U.S. Dept. of Justice: 1999)(NCJ 173386).) **In** both **the United States** and Canada, **Indian reservations sometimes have become centers of armed resistance to white control**. For example, during the spring and summer of 1990, Mohawk Indians led by the Mohawk Warrior Society armed themselves with semiautomatic Kalashnikov rifles and other weapons, and seized and held part of the town of Oka, near Montreal, Canada to prevent the expansion of a golf course and housing project onto a pine forest which was Mohawk ancestral land and Pine Tree Cemetery. SK

## On Case

### A2 Anti-Racism AC

Disad: Anti-Racism theorists fail to include discussion of land theft and ongoing colonization, which further suppresses the Indigenous bodies and ensures that Indigenous people are viewed as a “dying race”. Including Indigenous perspectives through the CP increases the material benefits of anti-racist scholarship.

**Lawrence and Dua** explain**,**

**“**Antiracist and postcolonial theories have not integrated an understanding of Canada as a colonialist state in to their frameworks. It is therefore important to begin by elaborating on the means through which colonization in Canada as a settler society has been implemented and is being maintained. We also need to reference how Indigenous peoples resist this ongoing colonization. **Settler states in the Americas are founded on, and maintained through, policies of** direct **assimilation. The premise** of each **is to ensure that Indigenous peoples** ultimately **disappear *as* peoples, so** that **settler nations can** **seamlessly take their place**. Because of the intensity of genocidal policies that Indigenous people have faced and continue to face, **a common error on part of antiracist** and postcolonial **theorists is to assume that genocide has been** virtually **complete, that Indigenous peoples,** however unfortunately, **have been ‘consigned to the dustbin of history’** (Spivak, 1994) and non longer need to be taken into account. **Yet such assumptions are scarcely different from settler nation-building myths, whereby ‘Indians’ become unreal figures**, rooted in the nations prehistory, **who died out and no longer need to be taken seriously**…To speak of Indigenous nationhood is to speak of land as Indigenous, in ways that are neither rhetorical nor metaphorical. Neither Canada nor the United States—or the settler states of ‘Latin’ American for that matter—which claim sovereignty over the territory they occupy, have a legitimate basis to anchor their absorption of huge portions of that territory (Churchill, 1992: 411). Indeed, nationhood for Indigenous peoples is acknowledged in current international law as the right to inherent sovereignty. The notion that peoples known to have occupied specific territories, who have a common language, a means of subsistence, forms of governance, legal systems, and means of deciding citizenship, are nations—particularly if they have entered into treaties. As Churchill notes (ibid, 19-20), only nations enter into treaty relationships. In contrast, the legal system in Canada, a settler state, is premised on the need to preempt Indigenous sovereignty. The legal system does this through the assertion of a ‘rule of law’ that is daily deployed to deny possibilities of sovereignty and to criminalize Indigenous dissent. Because this rule of law violates the premises on which treaties were signed with Aboriginal people, the Supreme Court occasionally is forced to acknowledge the larger framework of treaty agreements that predate assertions of Canadian sovereignty. Historically, however, court decisions have been alternated between enlarging the scope of the potential for a renewed relationship between the Crown and Aboriginal peoples and drastically curtailing those possibilities…**The immediate problem facing Aboriginal peoples** in Canada **is that the status quo of a colonial order continues to target them for** legal and cultural **extermination, while undermining the viability of communities through theft of** their **remaining lands** and resources. **Aboriginal people need to re-establish control over** their **communities**. They must have their land returned to them, making communities viable and rebuilding nationhood, with a legal framework that brings Aboriginal peoples’ existing and returned lands under their own authority. **This requires** a total **rethinking** of Canada. Sovereignty and self-determination must be genuinely on the table as fundamental to Indigenous survival, not as lip service. **If they are truly progressive, antiracist theorists must begin to think about their personal stake in this struggle**, and about where they are going to situate themselves. We also need a better understanding of the ways in which Aboriginal peoples resist ongoing colonization. **At the core of Indigenous survival** and resistance **is reclaiming a relationship to the land. Yet, within antiracism theory** and practice, **the question of land as contested space is seldom taken up**. From Indigenous perspectives, **it speaks to a reluctance on the part of non-Natives of any background to acknowledge that there is more to this land than being settlers on it**, that there are deeper, older stories and knowledge connected to the landscapes around us. To acknowledge that we all share the same land base and yet to question the differential terms on which it is occupied is to become aware of the colonial project that is taking place around us**.”**

**Disad 2:** Anti-racist theories of nationalism preclude forms of Indigenous nationhood, as anti-racist forms of nationalism depend on the land stolen from Indigenous nations. CP controls internal link to the 1AC

**Lawrence and Dua** explain,

**“**Finally, **theories of nationalism render Indigenous nationhood unviable**, which has serious ramifications in a colonial context. **The** postcolonial **emphasis on deconstructing nationhood furthers Indigenous denationalization for those targeted** for centuries **for** physical and **cultural extermination**, and facing added fragmentation through identity legislation (Grewal and Kaplan, 1994; Jackson and Penrose, 1993; Anderson, 1991; Hall, 1994). **Such deconstructions** can **ignore settler state colonization** (Anderson, 1991). Or they theorize, from the outside, about how communities “become” Indigenous solely because of interactions with colonialist nationalist projects (Anderson, 2003; Warren, 1992). If the epistemologies and ontologies of Indigenous nations do not count, Indigeneity is evaluated through social construction theory. More problematic still are works that denigrate nationalism as representing only technologies of violence (McClintock, 1997), or a reification of categories that can degenerate into fundamentalism and “ethnic cleansing” (Penrose, 1993; Nixon, 1997). There is also the simple dismissal of “ethnic absolutism” as an increasingly untenable cultural strategy (Hall, 1996b: 250, quoted in Weaver, 1998: 14), which calls into question the very notion of national identity. None of these perspectives enable Indigenous peoples in the Americas to envision a future separate from continuous engulfment by the most powerful colonial order in the world, or their continuous erasure, starting with Columbus, from global international political relations (Venne, 1998). In this respect, **postcolonial deconstructions of nationalism [are] appear to be premised on** what Cree scholar Lorraine Le Camp calls “terranullism,” **the erasure of an ongoing post-contact Indigenous presence** (Le Camp, 1995). Perhaps it is not surprising that from these perspectives, **decolonization, nationhood, and sovereignty begin to appear ridiculous and** irrelevant, impossible and futile (Cook-Lynn, 1996: 88). For Aboriginal peoples, **postcolonial deconstructions of nationalism simply do not manifest any understanding of how Aboriginal peoples actualize nationhood and sovereignty** given the colonial framework enveloping them. According to Oneida scholar Lina Sunseri (2005), **Indigenous nationhood existed before Columbus; when contemporary Indigenous theorists** on nationalism **explicate traditional Indigenous concepts of nationhood, they redefine the concept of a nation by moving beyond a linkage of a nation to the state** and/or modernity and other European-based ideas and values. In summary, **critical race and postcolonial theory systematically erases Aboriginal peoples** and decolonization **from the construction of knowledge about “race,”** racism, racial subjectivities, **and antiracism**. This has profound consequences. **It distorts our understanding of “race” and racism, and of the relationship of people of color to** multiple projects of **settlement. It posits people of color as innocent** 11 **in the colonization of Aboriginal peoples. Left unaddressed is the way in which people of color in settler formations are settlers on stolen lands.** It ignores the complex relationships people of color have with settler projects. **Although marginalized, at particular historical moments they may have been complicit with** ongoing **land theft and colonial domination** of Aboriginal peoples. It distorts our writing of history; indeed, the exclusion of Aboriginal people from the project of antiracism erases them from history**.”**

**3.** The refusal of anti-racist scholarship to recognize that it is written on land that is still colonized undermines scholarship and reproduces settler-colonialism, which turns case.

**Lawrence and Dua** explain,

**“The refusal of** international **scholarship to address settler state colonization and Indigenous decolonization is problematic**, especially **since the same epistemological and ontological frameworks are reproduced in** Canadian **antiracism theory**, which is **written on land that is still colonized. The failure of** Canadian **antiracism to make colonization foundational has meant that Aboriginal peoples’ histories**, resistance, **and** current **realities have been segregated from antiracism.** In this section, we will explore how this segregation is reflected in theory, as well as its implications for how we understand Canada and Canadian history. Second, we shall complicate our understandings of how people of color are located in the settler society. Antiracism’s segregation from the knowledge and histories of resistance of Aboriginal peoples is manifested in various ways. Aboriginal organizations are not invited to participate in organizing and shaping the focus of most antiracism conferences. Indigeneity thus receives only token recognition. Their ceremonies feature as performances to open the conference (regardless of the meaning of these ceremonies for the elders involved). Usually, one Aboriginal person is invited as a plenary speaker. A few scattered sessions, attended primarily by the families and friends of Aboriginal presenters, may address Indigeneity, but they are not seen as intrinsic to understanding race and racism. At these sessions, Aboriginal presenters may be challenged to reshape their presentations to fit into a “critical race” frame- work; failure to do so means that the work is seen as “simplistic.” In our classes on antiracism, token attention—normally one week—is given to Aboriginal peoples, and rarely is the exploration of racism placed in a context of ongoing colonization. **In antiracist** political **groups, Aboriginal issues are placed within a liberal pluralist framework, where they are marginalized** and juxtaposed to other, often-contradictory struggles, such as that of Quebec sovereignty. These practices reflect the theoretical segregation that underpins them. **Within antiracism scholarship, the widespread practice of ignoring Indigenous presence at every stage of** Canadian **history** fundamentally flaws our understandings of Canada and Canadian history. In this view, Canadian history is replete with white settler racism against immigrants of color. If Aboriginal peoples are mentioned at all, it is at the point of contact, and then only as generic “First Nations,” a term bearing exactly the degree of specificity and historical meaning as “people of color.” **The “vanishing Indian” is as alive in antiracism scholarship as it is in mainstream Canada.** A classic example is James Walker’s 1997 text, *“Race,” Rights and the Law in the Supreme Court of Canada*, which considers four historic Supreme Court rulings that were instrumental in maintaining racial discrimination and anti-Semitism in Canada. Disturbingly, legal decisions affecting Native peoples are ignored in this text. By comparison, Constance Backhouse’s 1999 work, *Colour-Coded: A Legal History of Racism in Canada, 1900–1950*, goes a long way toward filling this gap. In this text, Backhouse addresses crucial cases such as the legal prohibition of Aboriginal Dance, *Re: Eskimos,* which ruled on whether “Eskimos” were legally “Indians,” as well as other instances of colonial and racial discrimination in the law against Aboriginal peoples and people of color. Backhouse’s approach reveals a more in-depth view of the embeddedness of racism in a colonial regime. Unfortunately, this kind of inclusive perspective is rare. These practices of exclusion and segregation reflect the contradictory ways in which peoples of color are situated within the nation-state. **Marginalized by a white settler nationalist project, as citizens they are nonetheless invited to take part in ongoing colonialism.** The relationship of people of color to Indigeneity is thus complex. We turn now to the dynamic interaction between people of color, Indigeneity, and colonialism. **People of color are settlers.** Broad differences exist between those brought as slaves, currently work **as** migrant laborers, are refugees without legal documentation, or émigrés who have obtained citizenship. Yet **people of color live on land that is appropriated and contested, where Aboriginal peoples are denied nationhood and access to** their own **lands**. This section will examine how people of color, as settlers, participate in, or are complicit in, the ongoing colonization of Aboriginal peoples. **Histories of the settlement of people of color have been framed by racist exclusion and fail to account for the ways in which** their **settlement** **has taken place on Indigenous land**. As citizens, they have been implicated in colonial actions. Moreover, there are current, ongoing tensions between Aboriginal peoples and people of color, notably in terms of multiculturalism policy and immigration**.”**

### A2 Ableism AC

**1.** **Historical Materialism DA. Their reform will not result in better treatment or more rights for the disabled—the issue is primarily economic, as disabled people are not viewed as profitable. Even inclusion will fail because the economic system values production that will always view disabled people as inferior and too costly. Russell,**

Society still perceives disability as a medical matter. That is**, society associates disability with** physiological, anatomical, or mental **defects and hold these conditions responsible** for the disabled person ís lack of full participation in the economic life of our society, **rather than viewing their exclusion for what it is** -- **a matter of hard constructed socio-economic relations that impose** isolation (and **poverty**) **upon disabled people**. This medicalization of disability places the focus on curing the so-called abnormality - the blindness, mobility impairment, deafness, mental or developmental condition - rather than constructing work environments where one can function with such impairments. In my view, **the economic system can be held primarily responsible for disabling physically and mentally impaired people. Disablement is a product of the political economy or the interaction between** individuals (**labor) and the means of production**. In this view, **disabled people ís oppression can be traced to the restraints imposed by the capitalist system**. **Those who control** the **means of production** in our economy **impose disability upon those with** bodies which have **impairments** perceived to cause functional differentials and as such, do not conform to the standard (more exploitable) workerís body. **Since passage of the Americans with Disabilities Act** in 1990, for example, **business has fought**, tooth and nail, **integrating disability in the workplace** by providing a reasonable accommodation as required by the ADA. In the first decade of the law, the disabled employment rate has not budged from its pre-civil rights figure of 70 percent unemployed. Capitalist business accounting practices can be held accountable. **Disabled persons are isolated** and excluded from full participation in work life **because business practices foster it**. As I have written previously: ìThe goal of business is to make profits. **The basis of capitalist accumulation is the business use of surplus labor from the work force of skilled labor** in a way which generates profits. Typical business accounting practices weigh the costs of employment against profits to be made. **Productive labor**, or exploitation of labor, **means** simply **that labor is used to generate a surplus value** based on what business can gain from the worker productivity against what it pays in wages, health care, and benefits (the standard costs of having an employee). The surplus-value created in production is then appropriated by the capitalist. The worker receives wages, which in theory, covers socially necessary labor, or what it takes to reproduce labor-power every working day. The employer will resist any extra-ordinary or nonstandard operation cost. **From a business perspective, the hiring** or retaining **of a disabled employee represents** nonstandard **additional costs** when calculated against a companyís bottom line. [Economist, Richard] Epstein endorses this point of view, stating that employment provisions of the ADA are a ìdisguised subsidyî and that ìsuccessful enforcement under the guise of ëreasonable accommodationí necessarily impedes the operation and efficiency of firms.î Whether real or perceived in any given instance, **employers continue to express concerns about increased costs** in the form of providing reasonable accommodations, anticipate extra administration costs when hiring nonstandard workers, and speculate that a disabled employee may increase workerís compensation costs in the future. Employers, if they provide health care insurance at all, anticipate elevated premium costs for disabled workers. Insurance companies and managed care health networks often exempt ìpre-existingî conditions from coverage or make other coverage exclusions based on chronic conditions, charging extremely high premiums for the person with a history of such health care needs. Employers, in turn, tend to look for ways to avoid providing coverage to cut costs. In addition, employers characteristically assume that they will encounter increased liability and lowered productivity from a disabled worker. Prejudice-based disability discrimination, resting on employer assumptions that the disabled person cannot do the job or on employer-resistance to hiring a blind, deaf, mobility or otherwise impaired person just as they might not want to hire blacks or women, undoubtedly contributes significantly to the high unemployment rate of disabled people. **Disabled workers** also **face inherent economic discrimination within the capitalist system, stemming from employers expectations of encountering additional nonstandard production costs** when hiring a disabled worker as opposed to hiring a worker with no need for special accommodation, environmental modifications, liability insurance, maximum health care coverage or even health care coverage at all. Using this analysis, **the prevailing rate of exploitation determines who is "disabled" and who is not. Disability thus represents a social construct** which defines who is offered a job and who is not. **An employee who is too costly** (significantly disabled) **will not likely become** (or remain) **an employee at all.** Census data tends to support his view. For working-age persons with no disability the likelihood of having a job is 82.1 percent. For people with a non-severe disability, the rate is 76.9 percent; the rate drops to 26.1 percent for those with a significant disability.î [ìBacklash, the Political Economy, and Structural Exclusion,î 21 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW (Feb. 2000) pp 348-349.] The ADA has not ìleveled the playing fieldî - the goal of most civil rights legislation - by eliminating economic discrimination. In liberal capitalist economies, redistributionist laws which, if enforced, will cost business are necessarily in tension with business interests, which resist such cost-shifting burdens. This is evidenced by employers hard resistance to providing reasonable accommodations, the business-biased conservative courts which are consistently ruling on behalf of employers, not workers with impairments and the persistent high disabled unemployment rate. **Capitalists benefit by not having to employ or retain a worker with an impairment. Therefore many disabled workers are,** and will continue to be, **eliminated from mainstream economic activity**. So the question becomes is **it possible to reform business practices so that disabled persons are not excluded from the workforce?** Government could offer subsidies to offset business costs to level the playing field. Indeed it has recently passed one such reform, the Work Incentives Act, a subsidy that will allow disabled workers to retain their public health care by permitting them to buy into Medicare and Medicaid. But typical of most reforms, this measure falls way short. For example, the buy-in is only for an eight year stretch. What then? Other dubious subsidies already exist. Section 504 of the Rehabilitation Act of 1973 provides that federally-financed institutions are required to pay a "fair" or ìcommensurateî wage to disabled workers, but they are not required to meet even minimum wage standards. The traditional sheltered workshop is the prototype for justifying below-minimum wages for disabled people, based on the theory that such workers are not able to keep up with the average widget sorter. Any nonprofit employer is allowed to pay subminimum wage to disabled employees under federal law, if the employer can show that the disabled worker has "reduced productive capacity." 6,300 such U.S. workshops employ more than 391,000 disabled workers, some paying 20 to 30 percent of the minimum wage; as little as $3.26 an hour and $11 per week. In reality, workers with disabilities in these workshops know that they are sometimes paid less, not because they lack productive capacity but because of the nature of segregated employment. Government could pay for disabled workersí reasonable accommodations. Perhaps that would remove the issue of that added cost from the employerís bottom line and stop some employers from fighting disabled employeesí much needed accommodations in court. Such **reform**, however, **is not likely to make a difference in any substantive sense**. For one, **productivity is the center of capitalist accumulation**. **Labor is always**, a priori, **the retarding factor of productivity** because labor can never produce fast enough or equivalently, at a low enough valued rate, to suit the expectation of an accelerating profit curve. **It is likely that impaired persons** (due to the reasons explained above) **will always be seen as less than what is desirable** to maximize profit. In addition, the put-into-practice theory of a natural unemployment rate assures that the Federal Reserve will see to it that large numbers of people are kept unemployed to preserve the ìhealthî of the economy. Disabled persons are traditionally a part of this ìreserve army of labor.î

**2. Root Cause. No solvency deficit to the alt—even if normalization regarding disability predates capitalism, cap is the rooted cause and foundational element in the systems of normalization, exclusion, and violence that exists today. Harn,**

The influences that have relegated people with disabilities to a significant role in the industrial reserve army' probably can be traced by historical sources that antedate the rise of capitalism Even a cursory review of attitudes toward disabled persons reveals extensive evidence of antipathy and aversion in earlier eras (Oberman 1965) in many respects, predominate feelings about disability have seemed to parallel the persistent legacy of perceptions of aliens in distant lands who were imagined as possessing unusual appearances (Renard 1984) And yet. in searching for a significant part of the explanation for prejudice and discrimination against men and women with disabilities researchers need look no further than major social and economic trends in capitalist nations such as the United States during the nineteenth and twentieth centuries in numerous subtle ways the agents of powerful industrialists in this era implicitly promoted pervasive messages about acceptable forms of human appearance that encouraged consumers to strive relentlessly to approximate these images Fueled by the quest for expanded markets and higher profits capitalists were responsible for promulgating a rigorous set of standards concerning physical characteristics that indirectly resulted in the exclusion of oppressed groups from many areas of community life Although persons with visible physical or other disabilities probably were not significantly affected by these developments, commercial imagery of approved bodily attributes also has had a disadvantageous impact on the social and economic opportunities available to others with personal traits that differ from the norms of the dominant majority This paper argues that these influences have had an important effect upon entrance to the labor force as well as admission to other social activities Moreover, as further technological advances in the twentieth century increased the pervasiveness of visual symbols of an ideal appearance, the social and economic power of these images was constantly reinforced by the mass media Hence, a major source of the historical forces that prevented disabled persons and other oppressed groups from assuming a significant role in the labor market can be found in the dynamics of capitalism itself While these trends may have been based on widespread fears and prejudices that existed previously, much of their strength and effectiveness in producing circumstances that were especially disadvantageous to disabled people resulted from processes that seemed to be dictated by the logic of a capitalistic economic system.

3. **Turn. They will only perpetuate the societal exclusion of disabled persons because it misdiagnoses the problem and precludes the critical analysis of capitalism necessary to create meaningful structural change. Russell,**

To explain such outcomes, I have sought to examine the relationship between politics, policy and economics—particularly with regard to the interests of business. Disability scholars such as Victor Finkelstein, Michael Oliver, Colin Barnes, Paul Abberley, Nirmala Erevelles, Lennard Davis, Brendan Gleeson and others have advanced the position that the capitalist system—particularly the commodi cation of labour—is a crucial contributing factor to the lack of economic advancement of disabled people. Going back to Marx’s theory of absolute impoverishment, Ernest Mandel clarifies Marx’s observation that capitalism ‘throws out of the production process’ a section of the proletariat: unemployed, old people, disabled persons, the sick, etc. (Mandel, 1962, p. 151) Marx calls these groups a part of the poorest stratum ‘bearing the stigmata of wage labor’. As Mandel says, ‘this analysis retains its full value, even under the “welfare” capitalism of today’ (Mandel, 1962, p. 151). While others have made links between capitalism and disablement my purpose has been to expose how modern capitalism perpetuates this substratum in the face of disabled peoples’ struggle for their place the US labour force. In this vein I have sought to expose systemic economic discrimination against disabled workers in a capitalist economy that the ADA cannot address or remedy and will return to this matter below. I have also argued that ADA court failures have been prompted by capitalist opposition made more powerful in a neoliberal era, where conservative forces have politically achieved a more laissez faire, deregulated economy, successfully targeting regulationships they view as interfering with business for weakening or repeal (Russell 1998; pp. 109–111; 2000, p. 341). The philosophical momentum for social justice that spurred the Civil Rights Act of 1964, and subsequent progressive court decisions in the 1960s and 1970s was well into decline by the 1990s when the ADA was passed. For example, in the era following passage of civil rights laws in 1957, 1960, 1964 and 1968, the Republicans made dramatic inroads into Democratic victories that forged the civil rights movement, established the Of ce of Economic Opportunity and initiated the War on Poverty during the Great Society. Presidents Reagan and Bush dismantled the entire Community Services Administration, responsible for driving much of the 1960s social change agenda by advancing human services, occupational safety, consumer protection and environmental protection laws. On the way out were civil rights and economic entitlements, replaced by a conservative thrust to reduce ‘big bad government’. The dominant agenda of the late 1970s and 1980s was bolstered by corporate goals, which emphasised globalisation and political dominance of government (McMahan, 1985). Increased international capital mobility and liberalised international trade have resulted in the transfer of more power to management, at the expense of labour. (Parenti, 1995, pp. 99–119, 271) Conservative forces targeted protective regulations for repeal or rollback that, in their view, interfered with business (Wolman & Colamosca, 1997; Mishel et al., 1999). Economic policy in the post-1979 period moved decisively toward a more laissez faire, deregulated approach. Industries like transportation and communications have been largely deregulated. Social protections, including safety, health and environmental regulations, the minimum wage, government transfer payments (welfare) and the unemployment insurance system all have been weakened. The ADA was no exception. It was watered down substantially to achieve Congressional consensus and Bush’s presidential approval (Pheiffer, 2000, p. 43). The most recent evidence that these forces remain intact: the Supreme Court’s weakening of the ADA in Garrett, Sutton, Murphy and Albertson’s disability employment decisions; the striking down of the Age Discrimination Act in Kimel v. Florida; and the invalidation of the Violence Against Women’s Act in United States v. Morrison. After years of dedicated civil rights activism in the 1950–60s the American civil rights leader Dr Martin Luther King, Jr outgrew the liberal view that economic justice for blacks was possible through the enactment of civil rights laws geared to make race-based employment discrimination against the law. King realised that civil rights (even when coupled with economic expansion) could not solve the mass unemployment of black Americans. At the 1967 Southern Christian Leadership Conference convention Dr King implored the movement to: address itself to the question of restructuring the whole of American society. There are 40 million poor people here. And one day we must ask the question, ‘Why are there 40 million poor people in America?’ And when you begin to ask that question, you are raising questions about the economic system, about a broader distribution of wealth. When you ask that question, you begin to question the capitalistic economy …’ (Washington, 1991, p. 250) For King, the theme of job creation in a capitalist economy was an ongoing and primary part of his peoples’ struggle for justice. ‘We need an economic bill of rights. This would guarantee a job to all people who want to work and are able to work …’ (King, 1968, p. 24) Today, almost 40 years since the passage of the Civil Rights Act of 1964, no economic rights have been enacted and black unemployment remains twice (8%) that of the of cial national rate (4.2%). This is so even when civil rights have been accompanied by af rmative action measures designed to promote hiring and remedy past race discrimination. The ADA was not followed by af rmative action for disabled workers. There is no reason to believe disability civil rights outcomes will fair better. In practice, civil rights, which primarily focus on attitudes and prejudice, have not given sufficient attention to the barriers that the economic structure and power relationships erect against the employment of disabled persons. This paper explores the shortcomings of the liberalist ‘equal opportunity’ approach to employment. My emphasis will be on the political economy of disablement, on micro- and macroeconomic realities systemic to capitalism, which contribute to the high disabled unemployment rate. Class interests perpetuate the exclusion of disabled persons from the workforce through systemic business accounting practices and compulsory unemployment. If we conceptualise disablement as a product of the exploitative economic structure of capitalist society; one which creates the so-called disabled body to permit a small capitalist class to create the economic conditions necessary to accumulate vast wealth, then it becomes clear that anti-discrimination legislation, by failing to acknowledge the contradictions of promoting equal opportunity in class-based (unequal) society, is insufficient to solve the unemployment predicament of disabled persons. Instead, the liberal rights model serves to forestall criticism of relationships of power at the centre of the exclusion from employment and inequality that disabled persons face. This paper will offer such a criticism.

**4. Commodification DA. Your K places the abled body as the foreground of the disability advocacy, robbing the disabled body of agency over itself and reinforces the belief that the active participation of disabled people in actual legislative debate is irrelevant to the ability of the government to legislate well. This involves a profound moral violence and turns case. Wasserman,**

**The first-hand experience** of stigmatization **may confer two sorts of authority** on people with disabilities**.** The **first** is epistemic. **There should be “nothing about us without us” because any discussion of**, or research into, **disability not informed by that experience would** likely **be inaccurate and misguided.** For example, discussions of well-being that do not take into account the perspective of disabled people may assume that their level of happiness or satisfaction is much lower than it in fact is, or that it is lower mainly because of difficulties directly attributable to impairments rather than attitudes and social barriers. This is but one application of the more general issue of first-person authority: the extent to which people have special or privileged knowledge of their own mental states and experiences [see SEP entry on “Self-Knowledge”]. Although this is a subject of great controversy in the philosophy of mind, there is widespread agreement that, at minimum, first-person ascriptions of mental states carry a defeasible presumption of correctness. But there is an additional epistemic reason for according significant weight to the first-hand reports of people with disabilities. The observations and judgments of all stigmatized minorities are frequently discounted, but **[for] people with disabilities** face a distinct handicap. **There is a** powerful**, pervasive tendency, among philosophers, social scientists, and laypeople to dismiss their self-appraisals as reflecting ignorance, self-deception, defensive exaggeration, or courageous optimism** [see SEP entry on “Feminist Perspectives on Disability”, Sec. 3]. Giving those self-appraisals heightened attention and deference may be an appropriate and effective way to counteract or correct for that tendency. Epistemic authority thus provides a good reason for encouraging disabled people to speak about their experiences and for nondisabled people to listen when they do. But there is another reason as well: **people who suffer stigmatization**, disrespect, and discrimination **have a moral claim to be heard that is independent of the accuracy of their testimony.** **Even if someone lacking those experiences could convey them accurately** and vividly, **she would not be an adequate substitute** for those who had the experiences. **The experience** of stigmatization, like the experience of other forms of oppression, **calls for recognition, and thereby may impose a duty on those fortunate enough to have avoided such experiences** to listen closely to those who have had them. **To settle for second-hand accounts** of those experiences or to ignore them altogether **seems disrespectful** to the victims. The conviction that the oppressed have a right to a hearing lies behind the recent proliferation of Truth Commissions and tribunals. It also helps explain the frustration of crime and torture victims denied an opportunity to tell their stories, even when their oppressors receive punishment without their testimony. Though few **disability advocates** would demand a tribunal for the routine indignities of life with disabilities in developed countries, most **demand a far greater voice in** the media depiction of people with disabilities, in research about them, and in **policies** concerning or **affecting them.**

**When we do something for disabled people that we think they need, even when it is good, it is always coopted as a charitable gift, which results in dehumanization. This means your aff makes the situation worse and turns case. Goldfish,**

I've written before about the way that doing anything for disabled people, including normal things that family members, friends and colleagues do for one another all the time, can be framed as care and take on a special charitable status. Give your non-disabled friend a lift? That's a favour. Give your disabled friend a lift? That's care, have a medal, bask in the warm-fuzzy of your own philanthropy. Thus all interactions with disabled people become tainted with this idea of charity. Employers imagine that employing disabled people would be an act of generosity and compassion, rather than shrewd recruitment. Accessibility is not a matter of fairness, but kindness, and can this organisation afford to be kind? Governments are able to frame disability benefits and social service support as a matter of charity, discussing deserving and undeserving cases, as opposed to straight-forward eligibility. This is a major factor in the abuse of disabled people, with disabled women twice as likely and disabled children three times as likely to experience domestic abuse than their non-disabled peers. Stand next to a disabled person and you'll be assumed to be their carer. Live with one and you'll be assumed to be a saint (see above, re the New Malden murders).

### A2 Feminism AC

**First is the Intersectionality DA:**

**Isolating a single form of oppression embraces the same either/or thinking that inherently excludes the potential of those with multiple forms of oppression, like black feminism. This precludes any ability to achieve a paradigmatic shift and liberation—turns case.**

**Collins in 2k9,**

**Additive models of oppression are firmly rooted in the either/or** dichotomous **thinking of Eurocentric,** masculinize **thought. One must be either Black or white** in such thought systems – **persons of ambiguous** racial and ethnic **identity constantly battle with** questions such as “**what are you,** anyway?” **This emphasis** on quantification and categorization **occurs in conjunction with the belief that** either/or **categories must be ranked**. The search for certainty of this sort requires that one side of a dichotomy be privileged while its other is denigrated. Privilege becomes defined in relation to its other. **Replacing additive models of oppression with interlocking ones creates possibilities for** new paradigms. The significance of seeing race, class, and gender as interlocking systems of oppression is that such an approach fosters **a paradigmatic shift of thinking inclusively** about other oppressions, such as age, sexual orientation, religion, and ethnicity. **Race, class and gender represent** the **three systems of oppression that** most **heavily affect African-American women**. But these systems and the economic, political, and ideological conditions that support them may not be the most fundamental oppressions, and they certainly affect many more groups than Black women. Other people of color, Jews, the poor, white women, and gays and lesbians have all had similar ideological justifications offered for their subordination. All categories of humans labeled Others have been equated to one another, to animals, and to nature (Halpin 1989). **Placing [them]** African-American women and other excluded groups **in the center of analysis opens up possibilities** for a both/and conceptual stance, one in which all groups possess varying amounts of penalty and privilege in one historically created system. In this system, for example, white women are penalized by their gender but privileged by their race. Depending upon the context, an individual may be an oppressor, a member of an oppressed group, or simultaneously oppressor and oppressed.

**Empowerment can only occur after rejecting such problematic ways of thinking and viewing all forms of oppression as interlocking—undermines alt solvency.**

**Collins 2,**

**Empowerment involves** rejecting the dimensions of **knowledge**, whether personal, cultural, or institutional, **that perpetuate objectification** and dehumanization. **African-American women** and other individuals in subordinate groups **become empowered when** we understand and use those dimensions of our individual, group, and disciplinary ways of knowing that fosters our humanity as fully human subjects. This is the case when **Black women value** our **self-definitions [and]**, participate in Black women’s activist tradition, **invoke Afrocentric feminist epistemology** as central to our worldview, and view the skills gained in schools as part of a focused education for Black community development. C. Wright Mills (1959)identifies this holistic epistemology as the “social imagination” and identifies its task and its promise as a way of knowing **that enables individuals to grasp the relations between history** and biography **within society. Using one’s standpoint to engage the sociological imagination can empower the individual**. “My fullest concentration of energy is available to me,” Audre Lorde maintains, “only when I integrate all the parts of who I am, openly, allowing power from particular sources of my living to flow back and forth freely through all my different selves, without the restriction of externally imposed definition” (1984, 120-21).

**Implications:**

**A. My opponent’s assertion of a false dichotomy of race and gender prevents us from solving any form of oppression. K outweighs their attempt to solve patriarchy.**

**B. Alt fails to solve oppression—terminal defense on the alt.**

**Second is the Essentialism DA:**

**Essentialist feminism reinforces gender stereotypes through valorization of women’s differences, harming ourselves and our listeners, and killing the transformative potential of their critique—turns case and undermines solvency.**

**Young in 1990,**

Within the context of antifeminist backlash, **the effect of** gynocentric **feminism may be accommodating to the existing structure**. Gynocentric **feminism** relies on and **reinforces gender stereotypes** at just the time when the dominant culture has put new emphasis on marks of gender difference. It does so, moreover**, by relying on** many of those **aspects of women's traditional sphere that traditional patriarchal ideology has** most **exploited** and that humanist feminists such as Beauvoir found most oppressive--reproductive biology, motherhood, s domestic concerns. Even though its intentions are subversive, such renewed **attention to traditional femininity can have a reactionary effect on both ourselves and our listeners** **because it may echo the dominant claim that women belong in a separate sphere.** Humanist feminism calls upon patriarchal society to open places for women within those spheres of human activity that have been considered the most creative, powerful, and prestigious. Gynocentric **feminism** replies that wanting such things for women implies a recognition that such activities are the most humanly valuable. It **argues that** in fact, **militarism, bureaucratic hierarchy**, competition for recognition, and the instrumentalization of nature **and people entailed by these activities are basic disvalues.**24Yet in contemporary society, men still have most institutionalized power, and gynocentric feminism shows why they do not use it well. **If feminism turns its back on the centers of power,** privilege, and individual achievement **that men have monopolized, those men will continue to monopolize them,** and nothing significant will change. Feminists cannot undermine masculinist values without entering some of the centers of power that foster them, but the attainment of such power itself requires at least appearing to foster those values. Still, without being willing to risk such co‑optation, feminism can be only a moral position of critique rather than a force for institutional change.Despite its intention, I fear that gynocentric **feminism may have the same consequence as the stance of moral motherhood** that grew out of nineteenth century feminism a **resegregation of women to a specifically women's sphere, outside the sites of power, privilege, and recognition.** For me the symptom here is what the dominant culture finds more threatening. Within the dominant culture a middle‑aged assertive woman's claim to coanchor the news alongside a man appears considerably more threatening than women's claim to have a different voice that exposes masculinist values as body‑denying and selfish. The claim of women to have a right to the positions and benefits that have hitherto been reserved for men, and that male dominated institutions should serve women's needs, is a direct threat to male privilege. While the claim that these positions of power themselves should be eliminated and the institutions eliminated or restructured is indeed more radical, when asserted from the gynocentric feminist position it can be an objective retreat.Gynocentrism’s focus on values and language as the primary target of its critique contributes to this blunting of its political force. Without doubt, social change requires changing the subject, which in turn means developing new ways of speaking, writing, and imagining. Equally indubitable is the gynocentric **feminist claim that masculinist values in Western culture deny the body**, sensuality, and rootedness in nature **and that** such **denial nurtures fascism,** pollution, and nuclear games. Given these facts, however, what shall we do? To this **gynocentrism has little concrete answer**. **Because its criticism of existing society is so global and abstract, gynocentric critique of values, language, and culture of masculinism can remove feminist theory from analysis** of specific institutions and practices, and how they might be concretely structurally changed in directions more consonant with our visions.

### A2 Queer AC

**1. The exclusion of indigenous struggles from queer liberation politics undermines your movement and increases colonialism which turns case and destroys aff solvency.**

**Morgensen,**

While I argue that **homonationalism arises whenever settler colonialism is naturalized in** U.S. **queer projects**, tracing this process demands more than simply adding the word “settler” to the term. Puar examines homonationalism as a formation of national sexuality linked to war and terror, and both must inform a theory of settler homonationalism. Puar argues that in **the biopolitics of U.S. empire,** homonationalism **makes the subjects of queer modernities “regulatory” over queered and “terrorist” populations** that are placed under terrorizing state control. In kind, a theory of settler homonationalism must ask how in the United States, **the terrorizing sexual colonization of Native peoples produced the colonial biopolitics of** modern **sexuality that conditioned queer formations** past and present. My essay reinterprets historical writing on sexual colonization and on modern queer formations to explain how these processes relationally positioned varied non-Native and Native people within a colonial biopolitics. But this account rests, first, on linking insights in Native studies on gender and sexuality to feminist scholarship on bio- politics in colonial studies. Feminist and queer criticism in Native studies already explains terror as key to the sexual colonization of Native peoples.7 Andrea Smith argues that **“it has been through sexual violence and through the imposition of European gender relationships on Native communities that Europeans were able to colonize Native peoples,” in a process that included marking Native people “by** their **sexual perversity” as queer to colonial regimes**.8 Bethany Schneider affirms that “Indian hating and queer hating form a powerful pair of pistons in the history of white colonization of the Americas.”9 In part, **Native peoples were marked as queer by projecting fears of sodomy on them that justified** terrorizing **violence**.10 At the same time, diverse modes of embodiment and desire in Native societies challenged colonial beliefs about sexual nature and were targeted for control. As Smith argues, given that “U.S. empire has always been reified by enforced heterosexuality and binary gender systems” while many Native societies “had multiple genders and people did not fit rigidly into particular gender categories . . . it is not surprising that the first peoples targeted for destruction in Native communities were those who did not neatly fit into western gender categories.”11 And, as Schneider concludes, **“the tendency** or tactic **of Europeans to see sodomy everywhere** in the so-called New World **enabled a devastating two-fisted excuse for murderous violence and** a complicated homoerotics of **genocide**.”12 Such readings of histories of terrorizing violence in Native studies are joined by arguments about how forms of violence acted as modes of social control in the new colonial moral order. Schneider notes that Mark Rifkin’s work shows how “policies aimed at assimilating Indians through the destruction of kinship structures figured Indian cultures as other than heteronormative in order to reinvent and assimilate them as straight, private- property-owning, married citizens.”13 Rifkin pursues this claim by arguing that scholars investigate “(1) how a sustained engagement with American Indian histories and forms of self-representation as part of a history of sexuality in the United States can aid in rethinking what constitutes heteronormativity and (2) how queer critique of federal Indian policy as compulsory heterosexuality can con- tribute to an understanding of its organizing ideological and institutional structure as well as strategies of native opposition to it.” **Queer and feminist readings in Native studies** thus **explain how terrorizing violence became normalized in** **colonial** sexual **regimes.** Such work offers a productive basis for asking how terrorizing methods produce the colonial biopolitics of modern sexuality.

**2. TAG**

**Smith,**

As Jasbir Puar notes, this articulation of queerness as “freedom from norms” actually relies on a genocidal logic of biopower that separates those who should live from those who must die.33 That is, for the queer subject to live under Edelman’s analysis, it must be freed from genealogical, primitivist subjects who are hopelessly tied to reproductive futures. This impulse is similar to Warner’s juxtaposition of a transgressive queer subject with the racialized subject trapped within identity and ethnic organization. Puar terms this tendency a “sexual exceptionalism” that mirrors U.S. exceptionalism, in which a white queer subject rein- scribes a U.S. homonormativity by positioning himself/herself in an imperialist relationship to those ethnic subjects deemed unable to transgress. “Queerness has its own exceptionalist desires: exceptionalism is a founding impulse. . . . ‘Freedom from norms’ resonates with liberal humanism’s authorization of the fully self- possessed speaking subject, untethered by hegemony or false consciousness, enabled by the life/stylization offerings of capitalism, rationally choosing modern individualism over the ensnaring bonds of family.”34 If we build on Silva’s previously described analysis, we can see that the Native queer or the queer of color then becomes situated at the “horizon of death” within a “no futures” queer theory: such individuals must free themselves from their Native identity and com- munity to become fully self-determined subjects. They must forgo national self- determination for individual self-determination; they cannot have both. Racialized subjects trapped within primitive and pathological communities must give way to modern queer subjects. Puar’s analysis of biopower suggests that modern white queer subjects can live only if racialized subjects trapped in primitive and unenlightened cultures pass away. For instance, some LGBT organizations (as well as feminist organizations) supported the U.S. bombing of Afghanistan because the bombing would supposedly free queer people from the Taliban. Apparently, throwing bombs on people frees them. But of course, it was not actually queer people in Afghanistan who were the real subject of liberation—rather, modern queer subjects in the United States could live only if a sexually savage Afghanistan were eliminated. To quote Puar: “Queerness as automatically and inherently transgressive enacts specific forms of disciplining and control, erecting celebratory queer liberal subjects folded into life (queerness as subject) against the sexually pathological and defiant populations targeted for death (queerness as population).”35 Meanwhile, as Puar, Silva, and Povinelli imply, the white queer subject, despite its disavowals, is firmly rooted in a past, present, and future structured by the logics of white supremacy — it is as much complicit in, as it is transgressive of, the status quo. Rather than disavow traditions and futures, it may be more politically efficacious to engage them critically.

### A2 Quare AC

**Your form of a subject centered critique solidifies a notion of the “Indian primitive” while colonizing and excluding both Indigenous quare bodies as well as lacking an analysis of colonialism which undermines your movement.**

**Smith**,

As Povinelli’s *Empire of Love* describes, **queer politics and consciousness often rely on a primitivist notion of the indigenous as the space of free and unfettered sexuality that allows the white queer citizen to remake his or her sexuality.** However, **once this sexual praxis is engaged, it does not translate into solidarity with indigenous peoples’ land struggles**. **The subjectless critique thus calls attention to** both **the importance of Native peoples within scholarly work and their disappearance within this work**. At the same time, it may be the case that it is in fact a subjectless critique that disguises the fact that the queer, postcolonial, or environmentally conscious subject is simultaneously a settler subject. **This primitivist discourse** **that relies on the disappearance of the Native is found**, ironically, **also within ethnic studies and queer of color critique.** **For instance, within racial justice activism** as well as ethnic studies analysis, it **is the primitive Native that enables a mature mestizaje consciousness**. Gloria **Anzaldúa**’s *Borderlands*, the foundational text of borderlands theory, **situates Indians and Europeans in a dichotomy that can be healed through mestizaje.** Anzaldúa positions Indian culture as having “no tolerance for deviance,” a problem that can be healed by the “tolerance for ambiguity” that those of mixed race “necessarily possess.” **Thus a rigid, unambiguous Indian becomes juxtaposed unfavorably with the mestiza who “can’t hold concepts or ideas in rigid boundaries.”**44 As many scholars have noted, **Native identity is relegated to a primitive past, a premodern precursor to the more modern, sophisticated mestizo identity.**45 **In queer of color critique in particular**, mestizaje and **queerness often intersect to disappear indigeneity through the figure of the diasporic or hybrid queer subject**. The consequence is that **queer of color critique, while making critical interventions into both critical race and queer studies, generally lacks an analysis of settler colonialism and genocide**. Within queer of color critique, many scholars engage subjectless critique while fully interrogating its limits. As such, this work can benefit the development of Native studies. At the same time, however, **a critical limit often not explored by queer of color critique is the limits of settler colonialism.** As such, indigeneity frequently disappears within these projects. Once again, a subjectless critique within Native studies assists in interrogating projects based on a queer of color critique that does not directly incorporate an analysis of Native peoples. At the same time, however, queer of color critique’s version of subjectless critique can also veil the queer of color subject’s investment in settler colonialism.

### A2 Mestiza Conciousness/Borderlands

**Your form of a subject centered critique solidifies a notion of the “Indian primitive” while colonizing and excluding both Indigenous quare bodies as well as lacking an analysis of colonialism which undermines your movement.**

**Smith**,

As Povinelli’s *Empire of Love* describes, **queer politics and consciousness often rely on a primitivist notion of the indigenous as the space of free and unfettered sexuality that allows the white queer citizen to remake his or her sexuality.** However, **once this sexual praxis is engaged, it does not translate into solidarity with indigenous peoples’ land struggles**. **The subjectless critique thus calls attention to** both **the importance of Native peoples within scholarly work and their disappearance within this work**. At the same time, it may be the case that it is in fact a subjectless critique that disguises the fact that the queer, postcolonial, or environmentally conscious subject is simultaneously a settler subject. **This primitivist discourse** **that relies on the disappearance of the Native is found**, ironically, **also within ethnic studies and queer of color critique.** **For instance, within racial justice activism** as well as ethnic studies analysis, it **is the primitive Native that enables a mature mestizaje consciousness**. Gloria **Anzaldúa**’s *Borderlands*, the foundational text of borderlands theory, **situates Indians and Europeans in a dichotomy that can be healed through mestizaje.** Anzaldúa positions Indian culture as having “no tolerance for deviance,” a problem that can be healed by the “tolerance for ambiguity” that those of mixed race “necessarily possess.” **Thus a rigid, unambiguous Indian becomes juxtaposed unfavorably with the mestiza who “can’t hold concepts or ideas in rigid boundaries.”**44 As many scholars have noted, **Native identity is relegated to a primitive past, a premodern precursor to the more modern, sophisticated mestizo identity.**45 **In queer of color critique in particular**, mestizaje and **queerness often intersect to disappear indigeneity through the figure of the diasporic or hybrid queer subject**. The consequence is that **queer of color critique, while making critical interventions into both critical race and queer studies, generally lacks an analysis of settler colonialism and genocide**. Within queer of color critique, many scholars engage subjectless critique while fully interrogating its limits. As such, this work can benefit the development of Native studies. At the same time, however, **a critical limit often not explored by queer of color critique is the limits of settler colonialism.** As such, indigeneity frequently disappears within these projects. Once again, a subjectless critique within Native studies assists in interrogating projects based on a queer of color critique that does not directly incorporate an analysis of Native peoples. At the same time, however, queer of color critique’s version of subjectless critique can also veil the queer of color subject’s investment in settler colonialism.

### A2 Biopower AC

**Turn. The state controls Indigenous populations through forms of reproductive biopower – you perpetuate it by not placing American jurisdiction under tribal consent.**

**Landertinger**,

Colonialism may come in varying formations and structures. In Canada, **the occupation of Turtle Island took the form of settler colonialism.** Zureik (2010) explains that settler colonialism involves the occupation and permanent settlement of a territory or country (2). **These large-scale undertakings often involve “the displacement and at times extermination of the indigenous population**, **whose status was reduced** from a majority to a minority – if not in numbers, at least **in terms of power relations**” (Zureik 2010:3). **The initial process of colonization then becomes normalized and institutionalized so as to create an oppressive framework that ensures the continued exploitation of indigenous peoples** (and their descendants) to the benefit of the colonial settler society.13 While the colonial violence enacted upon indigenous peoples today may differ from the violence during the initial phases of colonization, Canada remains colonial in effect, complete with its legislative and administrative infrastructure. Canadian society continues to function according to the “colonization principle” (Gordon 2008:xix) – a commitment to administer and manage the lives of the people, normalize colonization, and exploit the land's resources.14 Nandy points out that a colonial state may move through different phases of colonization, from “rapacious bandit-kings” to “well-meaning middle class liberals” (quoted in Smith 2008:44).15 Each phase is driven by differing ideologies and economic needs (Smith 2008:44; Stevenson 1999:49). Yet it remains a colonialism based on white supremacy and fuelled by global capitalism (Cannon 2011), with real consequences for the people being colonized. It is particularly in a *settler-colonial* context that the death of the internal Other becomes pivotal. Indeed, **the success of the colonial endeavor is intimately bound up with it, since the settler society must “destroy to replace”** (Wolfe 2006:390). Let us recall that racism is “not an *effect* but a *tactic* in the internal fission of society into binary oppositions, a means of creating 'biologized' internal enemies, against whom society must defend itself” (Stoler 2006:59; emphasis in original).16 The discursive construction of indigenous peoples as a threat to the well-being of the colonizer, and narratives of “incessant purification” (Smith 2005), justified and continue to justify the subjugation and annihilation of indigenous populations. As Andrea Smith (2005) so aptly puts it, in a colonial society, the creation of the internal Other is effected “through the metaphorical transformation of Native bodies into a pollution of which the colonial body must constantly purify itself” (9). The colonial mindset renders indigenous bodies inherently dirty and tainted by sexual sin (Smith 2005:10), which provides a reason and simultaneously a justification for the use of violence against them. Through this, indigenous peoples are rendered “inherently rapable, their lands inherently invadable, and their resources inherently extractable” (Smith 2008:312). In such a context, it is not only the death of the internal Other that “will make life in general healthier” (Foucault 2003:255) for the settler society. Control over and regulation of the Other's reproduction becomes equally crucial in the eyes of the dominant majority (ibid). To ensure the success of the colonial project, the settler society must not only strive for the elimination of the indigenous populations but simultaneously needs to establish a new social body on the expropriated land base (Wolfe 2006). The management of reproduction, while a concern to any state that works according to a biopolitical rationale (see Foucault 2003:246; 1996:139), is foundational to a settler- colonial state. Not only is the mere existence of indigenous peoples threatening to the well-being of the settler society – indeed their existence serves as a constant reminder of the precarious nature of the colonial nation state – their reproduction is in fact counterproductive to the colonial project (Smith 2006; Wolfe 2006:390). **Just as the elimination of the Other is constructed as necessary to ensure the well-being of the dominant majority** (Foucault 2003:66), **the practices of biopower similarly construct the** (physical and cultural) **reproduction of the Native-as-Other as problematic.** **This warrants the regulation** or outright prevention **of indigenous peoples'** reproduction. Naturally, the opposite is true as well in that valuable segments of the population are encouraged to reproduce (Bannerji 2000). In this sense, the role of the “reluctant breeder” is usually forced onto white (preferably middle-class) women, since they are part of the dominant majority and therefore responsible for “counterbalancing” the non-white populations (Bannerji 2000:69). It is them who are encouraged to reproduce to facilitate the process of white nation-building (Deliovsky 2010). SK